



## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 22-116; RM-11922; DA 22-1233; FR ID 117287]

#### Television Broadcasting Services Missoula, Montana

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On March 10, 2022, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking (NPRM)* in response to a petition for rulemaking filed by Scripps Broadcasting Holdings LLC (Petitioner), the licensee of KPAX-TV (Station), channel 7, Missoula, Montana, requesting the substitution of channel 25 for channel 7 at Missoula in the Table of Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends Federal Communications Commission (FCC or Commission) regulations to substitute channel 25 for channel 7 at Missoula.

**DATES:** Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Joyce Bernstein, Media Bureau, at (202) 418-1647 or [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule was published at 87 FR 16156 on March 22, 2022. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 25. No other comments were filed.

The *Report and Order* substitutes channel 25 for channel 7 at Missoula, Montana. According to the Petitioner, it has received many complaints from viewers unable to receive a reliable signal on VHF channel 7, and the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service. The Engineering Statement provided with the Petition confirmed that the proposed channel 25 contour would continue to reach virtually all of the population within the Station's current

service area and fully cover the city of Missoula. An analysis using the Commission's *TVStudy* software tool indicates that KPAX-TV's move from channel 7 to channel 25 is predicted to create a small area where 444 persons are predicted to lose service. The loss area, however, is partially overlapped by the noise limited contour of Scripps' owned television station KXLF-TV, Butte, Montana, which is also a CBS affiliate, and reduces the number who are predicted to lose CBS service to only 121 persons, which is a level of service loss the Commission considers to be *de minimis*. Concurrence from the Canadian government was required and has been obtained. This is a synopsis of the Commission's *Report and Order*, MB Docket No. 22-116; RM-11922; DA 22-1233, adopted November 29, 2022, and released November 29, 2022. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

### **List of Subjects in 47 CFR Part 73**

Television.

Thomas Horan  
Chief of Staff  
Media Bureau.

### **Final Rule**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### **PART 73 - - RADIO BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

2. In § 73.622(j), amend the Table of Allotments, under Montana, by revising the entry for Missoula to read as follows:

#### **§ 73.622 Digital television table of allotments.**

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(j) \*\*\*

<b>Community</b>	<b>Channel No.</b>
*****	
<b>MONTANA</b>	
*****	
Missoula	*11, 20, 23, 25
*****	